

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

BRANDON R. CANOY,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,

Defendant.

CV 22-66-GF-JTJ

ORDER

Plaintiff Brandon R. Canoy (Canoy) has moved for an award of attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). Canoy initially sought attorney's fees in the amount of \$11,944.06. (Doc. 21 at 3).

Canoy agreed to reduce his fee request to \$11,100.00 after conferring with the Commissioner of the Social Security Administration (Commissioner). (Doc. 21 at 3). The Commissioner does not oppose Canoy's motion for EAJA fees in the amount of \$11,100.00. *Id.*

The Court has reviewed Canoy's application. The Court finds that the application is proper and that the amount requested is reasonable.

Fee awards under EAJA are subject to an offset to satisfy any debt that the plaintiff owes the government. *Astrue v. Ratliff*, 560 U.S. 586, 593-94 (2010). If

the plaintiff has no debt that qualifies as an offset under the Treasury Offset Program, the plaintiff may assign his or her right to receive the fee award to his or her attorney. *Id.* at 597-98; *Webster v. Berryhill*, 2018 WL 4290395, *2 (D. Mont. Sept. 7, 2018).

Accordingly, IT IS HEREBY ORDERED:

1. Canoy's Application for an Award of EAJA Fees and expenses (Doc. 21) is GRANTED. Canoy is entitled to an award of attorney's fees under 28 U.S.C. § 2412 in the amount of \$11,100.00, less any offset allowed under the Treasury Offset Program.

2. If, after receiving this Order, the Commissioner determines that Canoy owes a debt that qualifies as an offset under the Treasury Offset Program, the Commissioner should issue a check made payable to Canoy in the amount of \$11,100.00 less the amount of the offset. Canoy's award check should be mailed to Canoy's attorney, John E. Seidlitz, Jr., at the following address:

Seidlitz Law Office
P.O. Box 1581
12 - 6th Street South, 1A
Great Falls, Montana 59403-1581

3. If the Commissioner determines that Canoy has no outstanding debt that qualifies as an offset under the Treasury Offset Program, and that Canoy has

assigned his right to the EAJA fee award to his attorney, the Commissioner should make the check payable to John E. Seidlitz, Jr.

DATED this 16th day of January, 2024.



John Johnston
United States Magistrate Judge